

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 8665 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

=====

1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
?

=====

JARIWALA ACHLABEN SHAILESH KUMAR - Petitioner(s)

Versus

REGIONAL PASSPORT OFFICE - Respondent(s)

=====

Appearance :

MS KJ BRAHMBHATT for Petitioner(s) : 1,
MR HARIN P RAVAL for Respondent(s) : 1,
MS ARCHANA U AMIN for Respondent(s) : 1,

=====

CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 10/04/2007

ORAL JUDGMENT

1. **Rule.** Ms. Archana Amin learned Additional
Central Govt. Standing Counsel waives service of rule on
behalf of the respondent. At the request of the learned

advocates the matter is taken up for final hearing today itself.

2. The petitioner has sought correction of the birth date in the passport issued by the respondent authority. According to the petitioner his correct date of birth is 1st December, 1960, which is stated in the birth certificate. Similarly in the school leaving certificate also it is shown as 1st December, 1960. However, in the passport issued by the respondent, the date of birth is mentioned as 1st June, 1960. This appears to be obvious error.

3. I have heard Ms. K.J. Brahmbhatt learned advocate for the petitioner and Ms. Amin learned Additional Central Government Standing Counsel for the respondent. I have also perused the contents of the petition together with annexures. This Court has held that the birth certificate is the authenticate document, so far as the date of birth is concerned. It will prevail upon any other document that may come into existence subsequently.

3.1. So far as the grievance of the petitioner is concerned, it can be taken redressed by passing the

following direction.

3.2. The respondent is directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if all other documents are found to be in order, the same may be issued, if otherwise she is not found ineligible.

3.3. Since this exercise is required to be carried out because of the fault on the petitioner's side, the petitioner is directed to pay costs of Rs.2,500=00.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

/phalguni/